

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

JAMES M. ASSEY AND JOAN P. ) Civil Action No. 3:22cv-02647-JDA  
ASSEY )  
 )  
Plaintiffs, )  
 )  
vs. ) **STIPULATED RULE 41(a) DISMISSAL  
OF CERTAIN CAUSES OF ACTION**  
 )  
 )  
AMERICAN HONDA MOTOR CO., )  
INC. )  
 )  
Defendant.

---

COMES NOW Plaintiffs James and Joan Assey, by and through counsel of record, and hereby dismiss, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the following causes of action presented in Plaintiffs' Amended Complaint for Damages [ECF No. 43].

1. Paragraphs 32-38, including subparts (Negligence, Gross Negligence, Willful and Wanton Conduct: Manufacturing Defect), to the extent those paragraphs allege any manufacturing defect in the driver's side seat belt assembly, including seat belt retractor, pretensioner, or other components of the seat belt system, installed in the Plaintiffs' model year 2020 Honda Odyssey vehicle.
2. Paragraphs 39-51 (Strict Liability in Tort, Section 15-73-10, S.C. Code of Laws, Ann. (1976, as amended), to the extent those paragraphs allege any manufacturing defect in the driver's side seat belt assembly, including seat belt retractor, pretensioner, or other components of the seat belt system, installed in the Plaintiffs' model year 2020 Honda Odyssey vehicle.
3. Paragraphs 64-68 (Punitive Damages), to the extent the claims for punitive damages arise out of any alleged manufacturing defect in the driver's side seat belt assembly, including seat belt retractor, pretensioner, or other components of the seat belt system, installed in the Plaintiffs' model year 2020 Honda Odyssey vehicle.

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Defendant American Honda Motor Co., Inc., by and through its counsel of record, hereby stipulate to this dismissal with prejudice of the above identified causes of action.

Respectfully submitted,

By: Kevin R. Dean

Kevin R. Dean, Esq. (Fed I.D. 8046)  
Lee M. Heath, Esq. (Fed I.D. 9794)  
Marlon Kimpson, Esq. (Fed I.D. 17042)  
MOTLEY RICE LLC  
28 Bridgeside Boulevard  
Mount Pleasant, South Carolina 29464  
Phone: (843) 216-9000  
[kdean@motleyrice.com](mailto:kdean@motleyrice.com)  
[lheath@motleyrice.com](mailto:lheath@motleyrice.com)  
[mkimpson@motleyrice.com](mailto:mkimpson@motleyrice.com)

Luther J. Battiste, III, Esq.  
JOHNSON TOAL & BATTISTE, P.A.  
1615 Barnwell St.  
Columbia, South Carolina 29202  
Phone: (803) 252-9700  
[bat@jtbpa.com](mailto:bat@jtbpa.com)

*ATTORNEYS FOR PLAINTIFFS*  
Mount Pleasant, South Carolina  
Dated: May 9, 2024

May 9, 2025

Stipulated and agreed to,

**AMERICAN HONDA MOTOR CO., INC.**

/Patrick J. Cleary

Patrick J. Cleary (SC Fed. Bar No. 11096)  
[Patrick.Cleary@bowmanandbrooke.com](mailto:Patrick.Cleary@bowmanandbrooke.com)  
BOWMAN AND BROOKE LLP  
1441 Main Street, Suite 1200  
Columbia, SC 29201  
Phone: 803-726-7420; Fax: 803-726-7421

And

David L. Ayers (MSB No. 1670, *admitted pro hac vice*)

[dayers@watkinseager.com](mailto:dayers@watkinseager.com)

Jennifer A. Rogers (MSB No. 100670,  
*admitted pro hac vice*)

[jrogers@watkinseager.com](mailto:jrogers@watkinseager.com)

400 East Capitol Street (39201)

P. O. Box 650

Jackson, MS 39205

Phone: 601-965-1900; Fax: 601-965-1901